

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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<b>ADI GLOBAL DISTRIBUTION</b>	:
<i>A Division of Resideo Technologies, Inc.,</i>	:
Plaintiff,	:
	:
– against –	:
	:
<b>BENJAMIN GREEN,</b>	:
Defendants.	:
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**ORDER ADOPTING REPORT  
AND RECOMMENDATION**  
20-CV-3869 (AMD) (JMW)

**ANN M. DONNELLY**, United States District Judge:

On August 21, 2020, the plaintiff filed this action alleging breach of contract based on unpaid invoices for products such as security systems and video surveillance tools. (ECF No. 1.) On December 3, 2021, Judge Wicks granted the plaintiff's motion to serve the defendant by alternative means, and the plaintiff properly effectuated service by email and certified mail on December 6, 2021. (ECF No. 10.) The plaintiff moved for default judgment on July 29, 2022 (ECF No. 13,) and I referred the plaintiff's motion to Judge Wicks for a report and recommendation.

Judge Wicks recommended (i) entering default judgment finding the defendant liable for breach contract, and (ii) awarding \$312,337.62 in damages to satisfy outstanding invoices, as well as 9 percent pre-judgment interest starting from the date that payment on each outstanding invoice was due until the date this judgment is entered. Judge Wicks recommended against granting the plaintiff's requests for late charges. As to the plaintiff's request for costs and attorney's fees, Judge Wicks recommended denial without prejudice to allow the plaintiff to

refile with supporting documentation. No party has filed an objection to the report and recommendation and the time for doing so has passed.

A district court reviewing a report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). To accept a report and recommendation to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *VOX Amplification Ltd. v. Meussdorffer*, 50 F. Supp. 3d 355, 369 (E.D.N.Y. 2014).

I have carefully reviewed Magistrate Judge Wicks’ report and recommendation for clear error and find none. Accordingly, I adopt the report and recommendation in its entirety. The plaintiff’s motion for default judgment is granted in part and denied in part consistent with the report and recommendation.

**SO ORDERED.**

s/Ann M. Donnelly  
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ANN M. DONNELLY  
United States District Judge

Dated: Brooklyn, New York  
May 9, 2023